



EUROPEAN AVIATION SAFETY AGENCY
AGENCE EUROPÉENNE DE LA SÉCURITÉ AÉRIENNE
EUROPÄISCHE AGENTUR FÜR FLUGSICHERHEIT

**Private Commercial Spaceflight in the
21st Century: Vehicles and Payloads**

Regulating Commercial Spaceflight in the EU

Haarlem, 5 September 2013

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Introduction

- Scope: hybrid vehicles used for commercial (suborbital) spaceflight
- Purpose: brief analysis of the EU air transport acquis
- No official position yet on applicability to such vehicles + its operations ...
- ... but many views and many question marks

Applicability of EU air transport legislation?

➤ Is it “air transport”?

Is it transport?

Is it an aircraft?

What is the purpose of it?

Is there a need to protect the general public?

Does it take place in the air?

Is there a need to facilitate free movement of persons and goods?

➤ Is it exclusively “air transport”?

➤ Future prospects: should it be regulated as aviation? Or as space activity?

Challenges in the application of the common (safety) rules on civil aviation

➤ Airworthiness

- Certification: (R)TC; (R)CofA
- Certification basis? CS-23/CS-25/CS-E plus special conditions
- Where impossible to comply: demonstration of an equivalent level of safety
- All organisations and personnel involved (design, production, maintenance) need approval

suitable?

Challenges in the application of the common (safety) rules on civil aviation

➤ Operations

suitable?

- AOC for commercial operations
- Authorisation of 3rd country operators

➤ Personnel Licensing (and passenger safety)

- Pilots licensed (CPL/ATPL)

suitable?

- Passenger safety

non-existing

➤ Aerodromes and ATM/ANS

suitable?



Challenges in the application of other EU air transport legislation

➤ the air transport

acquis is not only about aviation safety, but also

Reg 1008/2008 operation of air services	Reg 785/2004 insurance	Dir 2002/30/EC noise at airports	Reg 1008/2008 operation of air services	Reg 785/2004 insurance	Dir 2002/30/EC noise at airports	Reg 96/67/EC groundhandling	Dir 2009/12/EC airport charges
Reg 95/1993 slot allocation	Reg 261/2004 denied boarding	Dir 92/14/EEC limitation of operation of aeroplanes	Reg 95/1993 slot allocation	Reg 261/2004 denied boarding	Dir 92/14/EEC limitation of operation of aeroplanes	Reg 549-552/2004 SES	Dir 2004/36/EC 3 rd country aircraft
Reg 889/2008 air carrier liability	Reg 1107/2006 disabled persons	Reg 2111/2005 black list	Reg 889/2008 air carrier liability	Reg 1107/2006 disabled persons	Reg 2111/2005 black list	Reg 219/2007 SESAR	Reg 216/2008 aviation safety
Reg 300/2008 security	Security IRs	Dir 2003/42/EC occurrence reporting	Reg 300/2008 security	Security IRs	Dir 2003/42/EC occurrence reporting	Reg 996/2010 accident investigation	etc.

➤ applicability of non-aviation legislation (in particular such applying to outer space activities) - and compatibility with aviation requirements

Reg 889/2008 air carrier liability	Reg 1107/2006 disabled persons	Reg 2111/2005 black list	Reg 219/2007 SESAR	Reg 216/2008 aviation safety
Reg 300/2008 security	Security IRs	Dir 2003/42/EC occurrence reporting	Reg 996/2010 accident investigation	etc.



Conclusions

- No official position yet on applicability to such vehicles + its activity
- Is EU air transport acquis applicable? And suitable?
- Following such decision more detailed analysis possible



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Thank you for your attention!
Any questions?

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